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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/430,437

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JAYANTA KUMAR DEY

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09/21/2004

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EXAMINER

YUAN, ALMARI ROMERO

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/430,437

Applicant(s)

DEY ET AL.

Examiner

Almari Yuan

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 18-21, 24-40, 44-47 and 50-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 18-21, 24-40, 44-47, and 50-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2176

DETAILED ACTION

1. This action is responsive to communications: RCE and Amendment filed on 6/30/04.
2. Claims 15-17, 22-23, 41-43, and 48-49 are cancelled. Claims 1-14, 18-21, 24-40, 44-47, and 50-52 are pending in the case. Claims 1 and 27 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/30/04 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-7, 18-19, 27-33, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,708,845 to Wistendahl et al., issued January 13, 1998, in view of U.S. Patent Number 6,311,178 B1 to Bi et al., issued October 30, 2001, filed**

Art Unit: 2176

September 9, 1998 and U.S. Patent Number 4,845,697 to Giddings, issued July 4, 1989, filed November 27, 1987.

With respect to the rejection of each dependent claim below, the preceding rejection(s) of the relevant base claim(s) is incorporated therein.

Regarding independent claims 1 and 27, Wistendahl et al. teach (a) in response to a signal of interest at a particular time during the temporal document, identifying a portion of the temporal document for which related documents are to be found and (b) selecting text associated with the portion of the temporal document identified. (Wistendahl et al., col. 7, lines 55-59.)

Further, Wistendahl et al. do not teach (c) weighting each term in the selected text by a function $W(t)$ according to the time t at which the term occurs relative to the time at which the signal of interest occurs and (d) finding the related documents by use of information retrieval techniques as applied to the weighted terms.

However, Bi et al. teach weighting search terms and further teach that this step provides the benefit of giving users search results with which they are more likely to be satisfied. (Bi et al., col. 2, lines 38-48.) Moreover, Giddings would have suggested to one of ordinary skill in the art combining and extending Wistendahl et al. and Bi et al. to use a function $W(t)$ according to the time t at which the term occurs relative to the time at which the signal of interest occurs inasmuch as Giddings teaches a technique for searching video data in which, upon a failure to find a predetermined frame, a search is conducted back and forth of successive frames surrounding the given frame for a given time period. (Giddings, col. 5, lines 27-42.)

One of ordinary skill in the art would have been further motivated to implement a function $W(t)$ by the recognition that a search result close in time to the signal of interest would

Art Unit: 2176

have been more likely to have been relevant. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Wistendahl et al., Bi et al., and Giddings to weight each term in the selected text by a function $W(t)$ according to the time t at which the term occurs relative to the time at which the signal of interest occurs and (d) find the related documents by use of information retrieval techniques as applied to the weighted terms.

Regarding dependent claims 2 and 28, Wistendahl et al. teach that the temporal document is video and audio material inasmuch as they teach a movie with audio and video components.

(Wistendahl et al., col. 7, lines 55-56.)

Regarding dependent claims 3 and 29, Wistendahl et al. teach that the video material is stored on a video server inasmuch as this element is inherent in the teaching of large digital libraries transmitted to subscribers. (Wistendahl et al., col. 6, line, 58, col. 7, line 6.)

Regarding dependent claims 4 and 30, Wistendahl et al. do not explicitly teach applying speech recognition techniques to the audio component of the identified temporal document. However, Logan et al. suggest this step inasmuch as they teach searching a collateral text file (Logan et al., col. 39, lines 10-14) and also teach voice input to navigate program files. (Logan et al., Abstract.) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied speech recognition techniques to the audio component of the identified temporal document.

Regarding dependent claims 5 and 31, Wistendahl et al. teach pop-up movie trivia, which is the equivalent of close-captioned text. (Wistendahl et al., col. 7, lines 55-59.)

Regarding dependent claims 6 and 32, Wistendahl et al. teach the temporal document including text as discussed above regarding claims 5 and 31.

Art Unit: 2176

Regarding dependent claims 7 and 33, Wistendahl et al. teach that the document text varies with time and the selected text is that portion of the temporal document identified. (Wistendahl et al., col. 7, lines 53-59.)

Regarding dependent claims 18 and 44, Wistendahl et al. teach accessing related documents through the Internet. (Wistendahl et al., col. 5, lines 14-15.)

Regarding dependent claims 19 and 45, Wistendahl et al. teach selecting the related documents from among a collection of documents which may be accessed through the Internet. (Wistendahl et al., col. 5, lines 14-15; col. 8, lines 66-67.) Wistendahl et al. do not explicitly teach utilizing databases comprising information about the collection but it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize such databases because it was well known in the art that databases were the most common devices in which collections of information were stored and one of ordinary skill in the art would have recognized that utilizing a database to select documents was an efficient and reliable way of doing so.

6. **Claims 8-14 and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al. in view of Bi et al. and Giddings and further in view of U.S. Patent Number 6,199,076 B 1 to Logan et al., issued March 6, 2001, filed October 2, 1996.**

Regarding dependent claims 8 and 34, Wistendahl et al. does not teach the document text including news bulletins, weather, sports scores, or stock information. However, Logan et al. suggest extending Wistendahl et al. to include such a step inasmuch as they teach that there is a need to be able to search through news, weather, and business data. (Logan et al., col. 1, line 10 - col. 2, line 3.)

Art Unit: 2176

Regarding dependent claims 9 and 35, Wistendahl et al. do not teach that $W(t)$ is equal for all times between t_1 before the signal of interest is given and t_2 before the signal of interest and zero for all other times. However, Logan et al. teach searching a program segment in which $W(t)$ is equal for all times between t_1 before the signal of interest is given and t_2 before the signal of interest and zero for all other times. (Logan et al., col. 39, lines 10-19.) Moreover, one of ordinary skill in the art would have recognized that a user might want to search within a given time frame only and not without it. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have specified that $W(t)$ is equal for all times between t_1 before the signal of interest is given and t_2 before the signal of interest and zero for all other times.

Regarding dependent claims 10 and 36, Wistendahl et al. do not explicitly teach that t_1 is 2 seconds and t_2 is 30 seconds. However, Wistendahl et al. do teach that the concept of setting time intervals during video display was known in the art. (Wistendahl et al., col. 5, lines 23-28.) Moreover, one of ordinary skill in the art at the time of the invention would have recognized that the interval within a search was done should start a few seconds, i.e., 2 seconds before the signal of interest was received to account for the user's reaction time and that the search should go a certain amount back in time, i. e., 30 seconds.

Regarding dependent claims 11 and 37, Wistendahl et al. do not teach that $W(t)$ is equal for all times between t_1 before the signal of interest is given and t_2 before the signal of interest and decreases from t_1 until the time of the signal, and increases from a time t_3 before the signal is given to the time t_2 , and is zero for all other times. Regarding the recitation that $W(t)$ is equal

Art Unit: 2176

for all times between t_1 before the signal of interest is given and t_2 before the signal of interest, the rejection of claims 9 and 35 above is fully incorporated herein.

Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to decrease $W(t)$ from t_1 until the time of the signal because one of ordinary skill in the art would have recognized that the closer in time to the signal of interest the more likely it was that elapsed time was due only to a user's reaction time and not to interest in the elapsed material.

Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to decrease $W(t)$ from t_2 until t_3 because one of ordinary skill in the art would have recognized that, up to a certain point, as the time got closer to the time when the signal of interest was expressed, it would be more likely that time period contained the subject matter in which the user was interested.

Regarding dependent claims 12 and 38, Wistendahl et al. do not explicitly teach that t_1 is 2 seconds and t_2 is 15 seconds, and t_3 is 30 seconds. However, Wistendahl et al. do teach that the concept of setting time intervals during video display was known in the art. (Wistendahl et al., col. 5, lines 23-28.) Moreover, one of ordinary skill in the art at the time of the invention would have recognized that the interval within a search was done should start a few seconds, i.e., 2 seconds before the signal of interest was received to account for the user's reaction time and that the search should go a certain amount back in time, i. e., 30 seconds, and also that there would be a certain point, i. e., 15 seconds, within the 30 seconds at which the likelihood of finding relevant subject matter would begin to diminish.

Regarding dependent claims 13 and 39, Wistendahl et al. does not disclose $W(t)$ behaving linearly, but it would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 2176

invention to have it do so because one of ordinary skill in the art would have recognized that the likelihood of finding relevant search results would most likely increase or decrease linearly with time.

Regarding dependent claims 14 and 40, the rejection of claims 12 and 38 above is fully incorporated herein.

7. **Claims 20-21, 24-25, and 46-47, and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al., Bi et al., and Giddings as applied to claims 19 and 45 above, and further in view of U.S. Patent Number 6,182,065 B1 to Yeomans, issued January 30, 2001, filed April 22, 1998.**

Regarding dependent claims 20 and 46, Wistendahl et al. do not teach selecting related documents according to scores achieved according to a formula depending on the occurrence of terms which occur in text associated with the portion of the temporal document identified, where each term is weighted by a function $W(t)$ according to the time t at which the term occurs relative to the time at which the signal of interest occurs.

However, Yeomans teaches weighting search results according to their predicted relevance. (Yeomans, col. 4, lines 60-62.) One of ordinary skill in the art would have recognized that weighting allowed users to see more relevant search results, and would also have recognized that search results may have been more or less relevant according to where they occurred in time. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the steps recited in claims 20 and 46.

Art Unit: 2176

Regarding dependent claims 21 and 47, Wistendahl et al. do not teach, but it would have been obvious to one of ordinary skill in the art to implement, selecting a predetermined number of documents, 1000, because it was well known in the art to limit search results to a predetermined number and one of ordinary skill in the art at the time of the invention would have recognized that this provided the benefit of not overwhelming the user, and moreover would have recognized that 1,000 documents was an upper limit of the number of documents that could comfortably be retrieved.

Regarding dependent claims 24 and 50, Wistendahl et al. do not teach, but it would have been obvious to one of ordinary skill in the art to implement, the step of using terms in portions of the document other than the identified portion in calculating scores because one of ordinary skill in the art at the time of the invention would have recognized that such terms could have a bearing on whether the document was relevant to the user's signal of interest.

Regarding dependent claims 25 and 51, Wistendahl et al. do not teach, but it would have been obvious to one of ordinary skill in the art to implement., the step of having the determination of documents receiving the highest scores carried out using compressed document surrogates because one of ordinary skill in the art at the time of the invention would have recognized that working with compressed document surrogates would have been more efficient than working with the full document.

Art Unit: 2176

Allowable Subject Matter

8. **Claims 26 and 52** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A statement of reasons for the indication of allowable subject matter was given in the previous action mailed on 3/17/03.

Response to Arguments

9. Since Applicant has provided no arguments, no response from the Examiner is deemed necessary at this time.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is 703-305-5945 (571-272-4104 after October 20, 2004). The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on 703-305-9792 (571-272-4090 after October 20, 2004). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

AY

September 19, 2004